

**METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NUMBERS**

(Commercial Zoning Ordinance):

Original: 69-AO-1

Amending: 75-AO-3; 76-AO-3; 79-AO-4; 80-AO-1 (G.O. 23, 1980);
92-AO-4 (G.O. 97, 1993); 94-AO-7 (G.O. 92, 1994)

(Special Districts Zoning Ordinance):

Original: 94-AO-3 (G.O. 59, 1994)

Amending: 95-AO-3 (G.O. 28, 1995); 95-AO-12 (G.O. 203, 1995)

Proposed: 96-AO-1 (G.O. 68, 1996)

**AN ORDINANCE
AMENDING THE:**

**COMMERCIAL ZONING ORDINANCE; AND,
SPECIAL DISTRICTS ZONING ORDINANCE;
APPENDIX D OF THE
CODE OF INDIANAPOLIS AND
MARION COUNTY, INDIANA**

ADOPTED BY:

CITY-COUNTY COUNCIL May 20, 1996

Department of Metropolitan Development
Neighborhood and Development Services Division

CITY-COUNTY GENERAL ORDINANCE NO. 68, 1996
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 96-AO-1
Proposal No. 311, 1996

A GENERAL ORDINANCE to amend certain sections of: A. the Revised Code of the Consolidated City and County; and, B. the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands with the County for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Commercial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 12 (adopted under Metropolitan Development Commission docket numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4, 80-AO-1, 92-AO-4, and 94-AO-7), as amended, pursuant to IC 36-7-4 be amended as follows:

- A. That Section 2.00, A, 3 be amended by deleting the stricken-through language as follows:
3. b. Established setback exception. In any block in which an existing front yard depth and setback is established (by existing legally established buildings within a Commercial or Industrial District) for more than twenty-five percent (25%) of the linear frontage of the block (or a distance of two hundred [200] linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure, except surface parking lots, shall be the average of such established yards if such dimension is less than the minimum required front setback established by this ordinance. Provided, however, that in no case shall a building or structure:
- encroach upon any proposed right-of-way, as determined by The Official Thoroughfare Plan of Marion County, Indiana ~~adopted March 6, 1993~~, unless subject to the provisions of Section 2.13, A.;
 - encroach upon any existing right-of-way if no proposed right-of-way exists or if the existing right-of-way is greater than the proposed right-of-way; or,
 - encroach into a clear sight triangular area, as required in Section 2.13, C.
- c. Expansion along an existing legally established nonconforming front setback line. The minimum required front setback in any Commercial District for any existing building, having a legally established front setback line which is less than the required front setback of the District, shall be modified to permit expansion of such building along the structure's legally established front setback, provided that:
- (1) only a one time expansion along the legally established nonconforming setback line shall be permitted; and,
 - (2) the linear front frontage of the expansion does not exceed fifty percent (50%) of the linear front footage of the existing building, and all other requirements of this ordinance are maintained for the expansion.

Provided, however, that in no case shall a building or structure:

- encroach upon any proposed right-of-way, as determined by The Official Thoroughfare Plan of Marion County, Indiana, ~~adopted March 6, 1993~~, unless subject to the provisions of Section 2.13, A.;

B. That Section 2.13, A be amended by deleting the stricken-through language and inserting the underlined language as follows:

1. No part of any building shall be built closer to the proposed right-of-way lines of the following streets than:

Ten (10) feet from the proposed right-of-way or seventy (70) feet from the center line, whichever is greater: Expressway, Freeway, Primary Arterial, Parkway, Secondary Arterial: (as designated on the Official Thoroughfare Plan for Marion County, Indiana), ~~adopted March 6, 1993~~

Ten (10) feet from the proposed right-of-way: Collector Street, Local Street, Marginal Access Street (including Marginal Access Streets with a coinciding right-of-way boundary immediately paralleling either a Federal Interstate Highway route or any thoroughfare), Cul-de-Sac or any private street:

- e. In the case where a proposed right-of-way line does not exist, as determined by the Official Thoroughfare Plan for Marion County, Indiana, ~~(officially adopted March 6, 1994)~~, or where the existing right-of-way is greater, the existing right-of-way shall be used for the setback measurement.
3. Structures, including parking areas, parking spaces, interior access drives and interior access driveways may be located within the front setback in an area designated as proposed right-of-way under the following provisions:

- a. Streets not designated as a priority in the Official Thoroughfare Plan for Marion County, Indiana ~~adopted March 6, 1994~~.

A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way, except when interrupted by driveway(s).

- b. Street designated as a priority in the Official Thoroughfare Plan for Marion County, Indiana, ~~adopted March 6, 1994~~.

A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).

SECTION 2. The Special Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Indiana, Appendix D, Part 7 (adopted under Metropolitan Development Commission docket numbers:

- (a) Park Districts Zoning Ordinance: 69-AO-2,
- (b) Hospital Districts Zoning Ordinance: 68-AO-8, 73-AO-3,
- (c) University Quarter Zoning Ordinance: 66-AO-6, 73-AO-5,
- (d) Special Use Districts Zoning Ordinance: 66-AO-3, 67-AO-5, 68-AO-13, 78-AO-1, 94-AO-4, 94-AO-7, 95-AO-12
- (e) Special Districts Zoning Ordinance: 94-AO-3, 95-AO-3, 95-AO-12).

as amended, pursuant to IC 36-7-4, be amended as follows:

A. That Section 2.01, F be amended by deleting the stricken-through language as follows:

1. *Location.* Public parks larger than ten (10) acres shall be located with direct access to and frontage on a collector street, or a street designated on the Official Thoroughfare Plan of Marion County, Indiana (~~adopted March 6, 1994~~), as a primary or secondary thoroughfare, parkway, expressway or freeway.

3. *Setback lines and minimum front yards.*

a. Front yards, having a minimum depth in accordance with the following setback requirements shall be provided along all street right-of-way lines:

(1) Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, ~~adopted March 6, 1994~~).

No part of any structure shall be built closer than sixty (60) feet to any right-of-way line of an expressway, parkway or primary thoroughfare.


(2) Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana, ~~adopted March 6, 1994~~). No part of any structure shall be built closer than forty (40) feet to any right-of-way line of a secondary thoroughfare.

SECTION 3. Severability. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of the Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to severable.

SECTION 4. Attestation. This ordinance shall be in full force and effect upon its adoption with IC 36-7-4.

The foregoing was passed by the City-County Council this 20th day of May, 1996 at 10:41 p.m.

ATTEST:

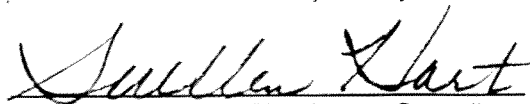

Suellen Hart, Clerk, City-County Council


Dr. Beurt SerVaas
President, City-County Council

STATE OF INDIANA, MARION COUNTY)
) SS:
CITY OF INDIANAPOLIS)

I, Suellen Hart, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 311, 1996, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 20th day of May, 1996, by a vote of 26 YEAS and 0 NAYS, and was retitled General Ordinance No. 68, 1996, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 24th day of May, 1996.


Suellen Hart, Clerk, City-County Council

(SEAL)